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mailing number.: EV155320452US  
Date of Deposit July 26, 2002  
I hereby certify that this paper and all papers and fees referred to herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents, c/o U.S. Patent and Trademark Office, BOX SEQUENCE, P.O. Box 2327, Arlington, Virginia 22202

**PATENT**

Bonnie S. Sheridan  
Bonnie S. Sheridan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Balser et al.

Examiner: Not Assigned

**Application No.: 10/000,151**

Group Art Unit: Not Assigned

Filed: October 30, 2001

Docket No.: 1242/49/2

Confirmation No.: 8248

For: HUMAN KCR1 REGULATION OF HERG POTASSIUM CHANNEL  
BLOCK

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**PRELIMINARY AMENDMENT AND RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Commissioner for Patents  
c/o United States Patent and Trademark Office  
BOX SEQUENCE  
P.O. Box 2327  
Arlington, Virginia 22202

Sir:

Responsive to the "Notice to File Missing Parts of Nonprovisional Application" dated January 28, 2002, and having a period for response that expired on March 28, 2002. A petition to extend the response period for one month to April 28, 2002 was previously filed. A petition pursuant to 37 C.F.R. §1.136(a) is hereby made to extend the Response period for an additional three months up to and including July 28, 2002. Since July 28, 2002 is a Sunday, the extension period is extended to Monday, July 29, 2002.

Applicants respectfully submit the following:

1. Paper and Computer Readable copies of the Sequence Listing;
2. An original Declaration executed by Dan M. Roden for the above-referenced U.S. Patent Application;

3. An original Assignment and related Recordation Form Cover Sheet executed by Dan M. Roden for the above-referenced U.S. Patent Application; and
4. Petition for a Three Months Extension of Time.
5. A copy of the Notice to File Missing Parts, a copy of the Raw Sequence Listing Error Report, and the Notice of Incomplete Reply are being filed simultaneously.
6. Please charge the amount of \$705.00 (\$665.00 representing the small entity extension fee, and \$40.00 representing the Assignment recordation fee) to Deposit Account No. 50-0426.

#### AMENDMENTS

Please delete the sequence listing following page 131 of the application as filed and insert in place thereof the sequence listing attached herewith.

#### REMARKS

The specification of the subject U.S. Patent Application has been amended by deleting the Sequence Listing as filed and inserting in place thereof the accompanying substitute Sequence Listing. The contents of the enclosed substitute paper and the enclosed computer readable copies of the Sequence Listing are the same. Pursuant to 37 C.F.R. §1.821, no new matter has been added. A copy of the Sequence Listing Error Report is also enclosed. Applicants submit that this Response with accompanying documents places the application in compliance with the rules governing nucleotide and/or amino acid sequence disclosure as set forth in the most current version of 37 C.F.R. §§ 1.821-1.825. Support for the Amendment to the specification is found in the originally filed paper copy of the Sequence Listing.

Summarily, the Sequence Listing has been updated to comply with 37 C.F.R. §1.823. The substitute paper copy of the Sequence Listing includes no new matter in accordance with 37 C.F.R. §§1.821-1.825. The content of the paper and the computer readable forms of the Sequence Listing is the same, as

required by 37 C.F.R. §§1.821-1.825. A statement to this effect is also enclosed.

The Commissioner or his representative is invited to contact the undersigned for clarification of this correspondence as necessary.

The Commissioner is hereby authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: July 26, 2002

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Enclosures